

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	J	N/S	O	R	23	3	DEMAND	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	NUMBER
1085/4	75	0082	02	28	75	2	450	1					TRO	8509 8510 X001 3-J		75	0082-B

PLAINTIFFS

DEFENDANTS

The SQUAW TRANSIT COMPANY

UNITED STATES of AMERICA, and  
INTERSTATE COMMERCE COMMISSION

## CAUSE

5 USCA 701-706  
 28 USCA 1336, 1398, 2284, 2321-2325  
 49 USCA 17(9)

Appeal from Order of ICC

## ATTORNEYS

Clayte Binion  
 1108 Continental Life Bldg.  
 Fort Worth, TX 76102  
 817-332-4415

Mickey Wilson  
 308 Center Bldg.  
 Tulsa, OK 74127  
 582-9121

Peter A. Fitzpatrick (ICC) &  
 Room 5115, ICC Bldg. Fritz R. Kahn  
 Interstate Commerce General Couns  
 Wash. D. C. 20423  
 202-343-8433  
 Thomas E. Kauper, Asst. Atty. Gen.  
 John H. D. Wigger (USA)  
 Dept. of Justice  
 Wash., D.C. 20530  
 James T. Proctor  
 Nathan G. Graham (USA)

☐ CHECK  
 HERE  
 IF CASE WAS  
 FILED IN  
 FORM  
 100-101

DATE

FILING FEE PAID

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JNS

03-01-75

JNS

11-1-75

DATE	NR.	PROCEEDINGS
2-28-75	1	Complaint, filed w/ request for hearing by three judge court. Summons issued.k
2-28-75	2	Temporary restraining Order, filed, that the enforcement operation & execution of the rules & orders of the Commission from which the suit arises are hereby enjoined; that the ICC is restrained & enjoined from taking any further action under said rules & orders insofar as they affect the pltf.; that this TRO continue in force until the conclusion of the hearing by the three-judge court to be designated on pltf's appl. for temporary & permanent injunction. (AEB-J)k
2-28-75	MO	By agreement of parties, the TRO entered this date will remain in force & effect until further order of this Court. It is further ordered, w/ the agreement of parties, that pursuant to Rule 65(a)(2) of the FRCP, that the hearing on preliminary injunction is advanced & consolidated with the hearing on the merits. (AEB-J)k
3-4-75		Marshal's return on service of Summons and TRO, filed: served Nathan G. Graham, US Atty, Tulsa on 3-3-75; served the Atty. Gen. Dept. of Justice, Wash. D. C. by certified mail; served General Counsel, Interstate Commerce Commission, Wash. D. C. by certified mail, 3-3-75. g (USM \$12.00)g
3-5-75	3	Order of USCA, filed, constituting three-judge court: Wm. J. Holloway, Jr. U.S. Circuit Judge, Allen E. Barrow and H. Dale Cook, U.S. District Judges. (David T. Lewis, Chief Judge, USCA)g
4-28-75	4.	Joint Answer of the USA and the Interstate Commerce Commission, filed. jj
4-28-75		MO: IT IS ORDERED that both parties are granted 20 days from this date to file simultaneous briefs. The parties are then granted 10 days after briefs are filed to file simultaneous responsive briefs. (AEB-J)jj
5-5-75	MO:	Ordered by the Court that case is set for hearing on preliminary injunction and the merits on July 1, 1975, at 10:00 A.M.(AEB-J)b nts mld
5-5-75	MO:	It is ordered by the Court that upon the request of the plaintiff, IT IS ORDERED that based on the agreement of the parties, as reflected in the letter of Mickey D. Wilson, Esquire, dated May 2, 1975, that the parties have until June 2, 1975, to file simultaneous briefs & each party is granted ten days thereafter to file responsive briefs(AEB-J)b ltr mld.
6-2-75	5	Initial brief of Squaw Transit Company, filed. g
6-2-75	6	Joint brief of USA and Interstate Commerce Commission, filed. g
6-3-75	7	Certified copy of portions of proceedings in Docket No. MC-119176 (Sub No. 12G), The Squaw Transit Co., before the Interstate Commerce Commission, filed. g
6-9-75	8	Certified copy of additional portions of proceedings in Docket No. MC-119176 (Sub No. 12G), The Squaw Transit Co., before the Interstate Commerce Commission, filed. lm
6-12-75	9	Reply of Squaw Transit Co. to joint brief of USA and ICC, filed. g
6-16-75	10	Joint reply brief of USA and ICC, filed. g
6-25-75	11	Certified copies of Forms OP-OR-9, filed 6-5-74 in Docket Nos. MC-103993 817G, MC-103993 S813G, MC-103993 S816G, before ICC, filed. g

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-82</u>
The Squaw Transit Company		United States of America and Interstate Commerce Commission	PAGE <u>3</u> OF <u>      </u> PAGES
DATE	NR.	PROCEEDINGS	
6-25-75	12	CC of Appl. on Form OP-OR-9, filed 6-5-74 in No. MC-24136 (Sub. No. 15G), Harrison Shields Transportation Line., before ICC, filed. g	
6-25-75	13	CC of documents in No. 107993 (Sub No. G), J. J. Willis Trucking Co., etc., before ICC, filed. g	
6-25-75	14	CC of correspondence in Nos. 107993 Sub 34G, MC-74169 Sub 6G, MC-108835 Sub 29G MC-117344 Sub 234G, J. J. Willis Trucking Co., etc., before ICC, filed. g	
6-27-75	15	Motion of USA and ICC for leave to file reply to new matter raised in pltf's reply brief, filed. g	
6-27-75	16	Order, filed, granting defts leave to file additional reply. (AEB-J)g	
6-27-75	17	Joint reply of defts. to new matter raised in pltf's reply brief, filed. g	
6-30-75		True copies of Verified Testimony of Treasury, & attached Appendixes pages, of Application on Form OP-OR-9, filed 6-9-74 in Docket No. MC-46365 (Sub Bo. 3G), P.W. Lincoln Horse Transportation, Inc., North Attleboro, Mass., the originals of which are now on file & of record in the office of Robert L. Oswald, Secretary of Interstate Commerce Commission, filed. mm	
6-30-75		True copies of Verified Statement of Thomas L. Maxwell, & attached Appendixes pages, of Application on Form OP-OR-9, filed 6-4-74, in Docket No. MC-117344 (Sub No. 234G), The Maxwell Co., Extension - Gateway, Elimination, Cincinnati, Ohio, the originals of which are now on file in the office of Robert L. Oswals, Secretary, Interstate Commerce Commission, filed. mm	
6-30-75		Joseph M. Harrington, Acting Secretary of the Interstate Commerce Commission certification of true copies of Letter rec'd 12-30-74 addressed to Mr. Robert L. Oswald, Secretary Interstate Commerce Commission, signed Thomas L. Maxwell and, Letter rec'd 1-8-75 addressed to Mr. Robert L. Oswald, Secretary Interstate Commerce Commission, signed Thomas L. Maxwell, filed. mm	
6-30-75		Joseph M. Harrington, Acting Secretary of the Interstate Commerce Commission certification of true copies of Letter dated 7-9-74 addressed to Robert L. Oswald, Sec. Interstate Commerce Commission, signed Frances Jalet and, Certificate of Public Convenience & Necessity entered 4-17-75, filed. mm	
6-30-75		Robert L. Oswald, Secretary of the Interstate Commerce Commission certification of true copy of Order of the Commission entered 12-20-74 in Docket No. MC-107993 (Sub-No. 34G) J.J. Willis Trucking Co Extension-Gateway Elimination, Dallas, Texas, filed. mm	
6-30-75		Joseph M. Harrington, Acting Secretary of the Interstate Commerce	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
		Commission certification of true copy of Certificate of Public Convenience & Necessity, entered 2-26-75 in Docket No. MC-24136 (Sub No. 15G), Harrison-Shields Trans. Lines, Inc., Meadow Lans, Penn., filed. mm	
6-30-75		Joseph M. Harrington, Acting Sec. of the Interstate Commerce Commission certification of true copies of Order of Commission entered 11-12-74 and Certificate of Public Convenience & Necessity entered 2-20-75 in Docket No. MC-103993 (Sub No. 817G), Morgan Drive-Away, Inc., Extension-Gateway Elimination (Elkhart, Indiana, filed. mm	
6-30-75		Jos. M. Harrington, Acting Sec. of the Interstate Commerce Commission certification of true copies of Letter rec'd 6-4-74 to Sec., Interstate Commerce Com., signed Charles Ephraim and Application on Form OP-OR-9, Page 1, filed 6-4-74 and, Order of Commission entered 2-25-75 and Certificate of Public Convenience and Necessity entered 4-16-75, filed. mm	
6-30-75		Joseph M. Harrington, Acting Sec. of the Interstate Commerce Com certification of true copies of Verified Statement of H.S. Nelsen on behalf of W. S. Hatch Co., dtd 5-30-74 and Letter rec'd 4-18-75 addressed to Ms. Noreta R. McGee, ast Chief, Sect. of Case Control & Information Attn" Gateway Section B" Interstate Commerce Commission, Washington, D. C. signed Lloyd N. Jones, and Letter rec'd 4-18-75 addressed to Mr. Boyle signed Noreta R. McGee and Order of the Commission, entered 5-15-75 in Docket No. MC-109689 (Sub No. 274G), W. S. Hatch Co. (Woods Cross, Utah), filed. mm	
6-30-75		Joseph M. Harrington, Acting Secretary of the Interstate Commerce Commission certification of true copies of Order of the Commission entered 11-12-74 and Certificate of Public Convenience & Necessity entered 2-20-75 in Docket No. MC-103993 (Sub No. 816G), Morgan Drive-Away, Inc., Extension - Gateway Elimination (Elkhart, Indiana) filed. mm	
7-1-75		Case called for hearing preliminary injunction and on merits. Parties present. Pltf's exhibits received into evidence. Govt. given 20 days to file response w/supporting documents to admission of Pltf's exhibits 5 thru 10, & memorandum; Pltf. to respond 10 days thereafter. Abstract of c/c from ICC files received into evidence & not marked. Arguments made. TRO to remain in effect until Court enters an order on preliminary injunction. Deft. given permission to file affidavit, along with memorandum; Pltf. allowed to file affidavit with response. Case to be submitted for decision upon affidavits, responses, & replies thereto being filed. (WJH-AEB-HDC-J's) b	
7-1-75		Pltf's exhibits filed. b	
7-21-75		Joint memo. of defts. re new matter raised by pltf. at oral argument, filed. g (copies to 3 Judges)	
7-21-75		Affidavit of Michael Erenberg, filed. g (mailed)	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-82</u>
SQUAW TRANSIT COMPANY		U.S.A. and I.C.C.	PAGE <u>5</u> OF <u>3</u> <del>pages</del> <u>sheets</u>
DATE	NR.	PROCEEDINGS	
7-29-75	20	Appl. of pltf. for time til 8-25-75 to file response brief to defts' reply filed 6-27-75, filed.k	
7-30-75	21	Order, filed, granting pltf. til 8-25-75 to file response brief to defts' reply filed 6-27-75. (AEB-J)k cps mld	
8-25-75	22	Reply of pltf. to joint memo of USA & ICC, w/affidavits of Lester M. Bridgeman, Wilmer H. Hill, and Stephen Heisley attached, and letter w/addl. authorities, filed. rm (cpies to Js)	
8-25-75	23	Affidavit of Nancy Pyeatt, filed. rm (copies to Js)	
10-24	24	Opinion, filed and entered, that this case be remanded to the ICC with directions that the Petition for Reconsideration be granted in light of this opinion. (Wm. J. Holloway, Jr., Circuit Judge and Allen E. Barrow-J)rm	
10-29	25	Concurring Opinion of Judge H. Dale Cook, filed & entered. (HDC-J)rm	
11-24	26	Judgment, filed & entered, that the Orders of the ICC entered in its Docket No. MC-119176 (Sub-No. 12G) are annulled and set aside w/directions that the Petition for Reconsideration be granted in light of this Court's Opinion. (WJH-AEB-HDC-Js)k	
<u>1976</u> <u>1-19</u>	27	Notice of Appeal to the U. S. Supreme Court by USA, filed.g (cpy to counsel & Clk, USSC.)	
3-9	28	Motion of defendants to dismiss notice of appeal, filed. g	
3-9	MO	Parties granted 5 days to respond to mot. to dismiss appeal. (AEB-J)g	
3-12	29	Letter stating no objection by pltf. to dismissal of appeal, filed.g	
3-17	30	Order, filed, dismissing Notice of Appeal filed herein. (AEB-J)g (cp to 3-Judges, counsel & USC Supreme Court.)	

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

## PROCEEDINGS